

**SOUTH DAKOTA DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS**

**Bennett County School District
Continuous Improvement Monitoring Process Report 2004-2004**

Team Members: Mary Borgman, Penny McCormick-Gilles, Rita Pettigrew, Chris Sargent, Linda Shirley, Education Specialists; Crystal Goeden, SEP Staff Member; and, Dave Halverson, Transition Specialist

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Date of Report: January 10th, 2004

This report contains the results of the steering committee's self-assessment and the validation of the self-assessment by the Special Education Programs. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

Promising Practice	The district/agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
Meets Requirements	The district/agency consistently meets this requirement.
Needs Improvement	The district/agency has met this requirement but has identified areas of weakness that left not addressed may result in non-compliance.
Out of Compliance	The district/agency consistently does not meet this requirement.
Not applicable	In a small number of cases, the standard may not be applicable for your district/agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

Principle 1 – General Supervision
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General supervision means the school district's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the school district, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

Steering Committee Self-Assessment Summary

Data sources used:

- State data tables
- Screening information
- Comprehensive Plan
- Surveys
- File reviews
- Needs assessments

Promising Practices

The steering committee concluded the district has improved using the needs data to address training for all staff. Based upon personnel needs assessments and surveys, the steering committee determined that specific special education personnel needs are not always addressed, though, due to the demands of Title I needs assessment.

The steering committee found that performance goals and indicators for special education are not addressed in the district's comprehensive plan. The committee concluded that a promising practice is the district placing greater emphasis placed on data-decision making.

Meets Requirements

There was consensus among the steering committee members that the district meets child find requirements. The superintendent is responsible for child find, and child find information is published in the local newspaper and school newsletter. Also, additional child find activities include screening and referrals from other sources, which include medical personnel and the Birth through Three-service coordinator.

The steering committee determined the referral process requirements as outlined in the comprehensive plan are implemented to insure students exhibiting difficulties are identified without unnecessary delay.

Needs Improvement

Students placed in private schools was an area found by the steering committee as needing improvement. This finding was based on the long distances to out of district facilities with the district's IEP meeting attendance often being by telephone conference. The committee concluded the district needs to be more involved in the out-of district IEP process.

Not Applicable

There are no private schools in the district.

Upon review of the district's comprehensive plan, the steering committee concluded that the district has procedures in place for suspension and expulsion. Based upon information in Tables B and C, the committee found that no students' have been suspended or expelled. The committee determined this area of general supervision was not applicable.

Validation Results

Promising Practice

Through interviews, the monitoring team concluded personnel and professional development was not a promising practice. Special education staff reported they would like to receive more training and attend workshops to enhance their teaching skills, although training sessions and

workshops are usually held some distance from the district. In addition, special education teachers stated that the lack of substitute teachers in the district also hinders their attending training sessions and workshops.

The monitoring team disagreed with the steering committee's conclusion that the district's data-based procedures are a promising practice. A review and analysis of the data is required to determine whether the district is making progress toward the state's performance goals and indicators.

In interviews and file reviews, the monitoring team identified the district's practice of using teacher assistance teams before making referrals a promising practice.

Out of Compliance

24:05:24:02 Duties of the district after referral

Upon receiving a referral, the district shall conduct an informal review with the person making the referral and review of the student's school records. If after the informal review, the district determines that further evaluation is necessary, the district shall conduct a multidisciplinary evaluation with the consent of the parents. All referrals that do not result in an evaluation must be documented by the district. The monitoring team noted that a child was referred for an evaluation by a Birth to Three service coordinator. The child was not evaluated. No documentation was found by the team indicating the district's decision not to evaluate the child.

Needs Improvement

Through file reviews and interviews, the monitoring team concluded the district is not in need of improvement to meet the requirements for out-of-district placements.

Not Applicable

Because the district has not suspended or expelled a student, the monitoring team concluded that the steering committee misunderstood the general supervision section pertaining to suspension and expulsion requirements. After a review of the district's comprehensive plan, state data, and staff interviews, the monitoring team concluded the district meets suspension and expulsion requirements.

Principle 2 – Free Appropriate Public Education

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3rd birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

Steering Committee Self-Assessment Summary

Data sources used:

- State data tables
- Surveys
- File reviews

Meets Requirements

The steering committee concluded the district provides a free appropriate public education (FAPE) to all eligible children with disabilities. In addition, the district's comprehensive plan insures suspension and expulsion procedures are in accordance with FAPE requirements.

Validation Results

Promising Practice

The elementary principal developed an Individual Literacy Plan (ILP) designed for all students. Each child is placed on an ILP if they are not reading at grade level. The plan addresses factors that may be affecting the student's literacy such as family mobility, discipline, and attendance; as well as ESL, Title I services and special education history. A team that includes the student, parents, teacher, administrator, and other involved in the child's reading remediation (e.g., Title I teacher, etc.) meet and address the student's reading needs and progress. The district's goal is to develop a similar plan with math. The monitoring team identified the ILP as a promising practice. The plan addresses literacy for all elementary students in an individualized manner, as well as involving the parents. This appeared to correlate with No Child Left Behind objectives.

The monitors' also concluded the district's Academy Program is a promising practice. The program is designed for a maximum of 20 non-traditional students when the regular school structure is not appropriate to meet their needs. The program hours are flexible, and a student can work independently on one or two classes at a time. Each student is expected to have a job. The teacher assists the students in locating employment. Some students' transition back to high school after they have caught up with their courses.

Meets Requirements

The monitoring team validated the steering committee's conclusion that the district meets the requirements of FAPE.

Principle 3 – Appropriate Evaluation

A team of knowledgeable staff, which also includes parental input, conducts a comprehensive evaluation. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

Steering Committee Self-Assessment Summary

Data sources used:

- Student file reviews
- Guide for Eligibility for Special Education in South Dakota
- Comprehensive Plan

Meets Requirements

The steering committee found documentation that parent input into the evaluation was acquired through direct conversation or telephone contact in 73% of the files reviewed.

The committee concluded the district's evaluation procedures and assessments meet the requirements. Through 14 of 15 file reviews, the committee found students' were assessed in all areas identified on the prior notice, which included functional assessment information. The files of speech/language only students did not contain functional assessments.

The proper identification of students with disabilities through the evaluation process was determined by the steering committee to meet the requirements.

In accordance with procedural requirements, the committee concluded the district conducts reevaluations at least every three years. In addition, a student is reevaluated before dismissal from services, with the exception of students who are receiving services for articulation only.

Out of Compliance

Consent was not obtained for two students' reevaluations; therefore, the steering committee concluded the district was out of compliance. The committee also found two evaluations were started prior to the five-day timeline requirement.

Validation Results

Meets Requirements

Through file reviews, the monitoring team validated that students with disabilities were properly identified through the evaluation process.

The monitors disagreed with the committees out of compliance finding pertaining to evaluations being started before the five-day timeline requirement. Through file reviews, the monitoring team did not find evaluations were started before the required timeline.

Needs Improvement

The monitoring team concluded evaluators in the district need to use a variety of academic tests to help identify individual student needs. The same battery of assessments was given, regardless of the student's disability. Also, the monitors' found the SPAN audiological assessment is administered to all children referred or being reevaluated for speech/language services. The SPAN assessment did not appear necessary for several students to determine their eligibility for speech/language services.

Out of Compliance

The monitoring team validated the steering committee's conclusion that two students' were not reevaluated within the three-year requirement.

24:0525:04 Evaluation procedures

24:05:25:04:02. Determination of needed evaluation data

A district is required to ensure that a variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent.

In the review of 33 student files, the monitoring team did not find documentation in 11 of the files of parent input into the evaluation. In interviews, special education staff said they do make contact with parents/guardians prior to evaluation, either by telephone or in person, prior to evaluation. The staff stated they were not aware parent input into the evaluation must be documented.

The monitors' found through file reviews and interview that functional speech/language assessments were not conducted. The speech/language therapist did not know functional assessments were required or what activity met the functional assessment requirement. In addition, six student files did not contain functional assessment information. Brigance assessment documentation was found in several student files; however, the information was not skill specific. An example of this is; "word recognition 3rd grade level, reads orally lower 3rd grade, computational skills 2nd grade and counting money 1st grade. Present levels of performance, therefore, did not address the student's specific skill strengths, difficulties, or his/her progress in the general curriculum. Consequently, the development of the IEP annual goals and short-term objectives were not linked to students' functional assessment information.

Evaluation is to be comprehensive enough to identify all of the student's special education and related service needs, whether commonly linked to the child's identified disabling condition. Through a file review of a student diagnosed with a traumatic brain injury, no documentation was found that the student's evaluation included an adaptive behavior assessment. In addition, the team determined that children having an attention deficit hyperactivity disorder were not assessed in all areas of the suspected disability. Through interviews and file reviews, the team found that no behavior assessments were completed to determine whether the disorder was adversely affecting the child's educational performance.

All areas evaluated must coincide with the student's prior notice and parent consent. A student's prior notice indicated evaluation would include transition assessments; however, no transition assessment report was found in the student's file, and transition was not addressed on the student's IEP. In addition, another student's prior notice indicated the student would have a fine motor assessment, but there was no documentation of fine motor testing.

24:05:25:06 Reevaluations

If no additional data are needed to determine continuing eligibility, the district shall notify the parents of that determination, reasons for it and of the right of the parent to request an assessment.

Through file reviews, the monitoring team found evaluations for four early intervention children were carried forward when the children transitioned to Part B at age three. The prior notice to the parents did not address why further evaluation data were not needed. In addition, an older student's previous cognitive assessment data was carried forward, although there was no reference of this on the prior notice for evaluation.

Principle 4 – Procedural Safeguards

Parents of children with disabilities have certain rights available. The school makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

Steering Committee Self-Assessment Summary

Data sources used:

- Parent rights
- File reviews
- Comprehensive Plan

Meets Requirements

The steering committee concluded the district obtains written consent for all students prior to an evaluation and placement for services. In addition, the district insures parents are informed in the native language or other mode of communication, if necessary, of all information relevant to why consent is being sought. The district has a list of individuals who reside in the community that can provide this service.

It was concluded by the steering committee that parents receive a copy of their parental rights at the IEP meeting as documented on the IEP form. The committee determined the district insures parents and students are informed of their rights in accordance with the Individuals with Disabilities Act. The committee members also concluded 100% of the students who graduated were informed of their rights one year prior to their graduation.

The steering committee concluded the district adheres to the disclosure of student information requirements.

The district's comprehensive plan and parental rights booklet were found by the steering committee to address complaints and due process hearing requests. The committee determined that the district has not received any complaints or requests for due process hearings.

Out of Compliance

The steering committee determined the district was out of compliance in meeting the requirement of having a list of individuals who could serve as surrogate parents.

Validation Results

Meets Requirements

The monitoring team agreed with the steering committee that the district provides parents with the parent rights brochure per IEP reviews. Based on the district's tables and interviews, the monitors' also validated the district had no complaints or requests for a due process hearing.

Out of Compliance

24:0530:15 Surrogate parents

The district is responsible for the training and certification of surrogate parents and shall maintain a list of persons who may serve as surrogate parents. The monitor's validated the district is out of compliance for not having a list of individuals who could serve as surrogate parent if a parent or guardian cannot be located.

24:05:30:04 Prior notice and parent consent

Written notice must be given to parents five days before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education. Informed parent consent must be obtained before conducting a first-time evaluation, reevaluation, and before the initial placement of a child in a program providing special education or special education and related services.

In reviews of student files, the monitoring team could not locate two students' prior notices/consent for reevaluation. No information was provided on the types of assessments the district was seeking consent to administer. In addition, no prior notice/consent and prior notice for the IEP meeting to dismiss a student from services were found.

Principle 5 – Individualized Education Program

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

Steering Committee Self-Assessment Summary

Data sources used:

- File reviews
- Survey data
- Comprehensive Plan

Promising Practice

The steering committee concluded that all IEP areas of transition being addressed on the IEP was a promising practice.

Meets Requirements

The steering committee determined the district ensures that five days before an IEP meeting the child's parents or guardians are sent written notice inviting them to attend. The committee, however, found that 27% of the notices did not contain all required content. Due to concerns that this may have been due to an EXCENT Program error, they decided to double check their written notice data before the compliance review. In addition, the steering committee concluded the district ensures the parent/guardian receives a copy of parent rights.

Steering committee member's concluded the district has never refused a parent request to convene an IEP. In addition, a copy of the IEP is provided to the parent and services are provided as soon as possible after the IEP is written.

The committee determined that students ages 14 years and older are invited to their IEP meeting; however, the committee determined that the district considered it inappropriate to invite an agency representative to IEP meetings until the student is a junior or senior.

The steering committee determined there was no data to support that the special education teacher discussed preferences and interests with transition-age students prior to their IEP meeting. The committee concluded this activity was performed, because the teacher documented the student's preferences and interests on the IEP.

Children exit Part C and enter Part B according to requirements according to consensus of the steering committee.

Needs Improvement

The steering committee concluded all required members were not in attendance at an IEP meeting. In addition, the committee concluded the district did not hold annual IEPs within the 365-day timeline requirement, and one student's IEP meeting was not held within 30 days of receipt of the evaluation.

The steering committee determined there are weaknesses in the development of the IEP, but not consistently in the same areas. They found IEPs sometimes were missing the present levels of performance, annual goals, short-term objectives, least restrictive environment areas meeting requirements or the person responsible for carrying out the goals.

Validation Results

Promising Practice

Addressing IEP transition areas is a requirement; therefore, the monitoring team did not validate this as a promising practice.

Meets Requirements

Based on IEP documentation and interviews, the monitoring team agreed with the steering committee that the district ensures a parent/guardian receives a copy of their parent rights, a copy of the IEP and a student begins receiving services as soon as possible after the IEP is written.

Through interviews and file reviews, the monitors agreed with the committee that the district does convene IEPs at parent request.

The monitoring team in the review of student files determined the district addresses student modifications and accommodations at the IEP meeting. In an interview with a regular education teacher, the team leader was informed all regular education instructors receive a sheet at the beginning of the school year that lists their students' IEP modifications. Team members individually observed students with disabilities in regular education classrooms and reported that the students were receiving modifications/accommodations such as oral lecture accompanied with visual aids and manipulatives, small group instruction, accommodations for physically handicapped students, students having ADHD seated where there were minimal distractions, use of number lines and fraction manipulatives. In addition, paraprofessionals were reported to be in several classrooms assisting disabled, as well as nondisabled students.

Out of Compliance

Through interviews and file reviews, the monitoring team found several areas in student's IEPs consistently out of compliance; therefore, the monitors' did not validate the steering committee's conclusion that the development of the IEP needs improvement.

24:05:27:01:03 Content of individualized education plan

24:05:27:13:02 Transition services

24:0530:16.01 Transfer of parent rights

A student's IEP must contain present levels of performance based on the skill areas affected by the student's disability. The present levels of performance must include parent input and should be a reflection of the functional assessment information gathered during the comprehensive evaluation. Parent input and how the child's disability affected his/her progress in the general curriculum was not consistently included in students' present levels of performance. With the

exception of three high student files, the monitors' found that students' present levels of performance were not linked to skill specific functional assessment information. In addition, transition was not addressed in the present levels of performance for junior high students' 14 years of age or older. As aforementioned, one student's IEP did not address any transition areas, although permission for a transition assessment was seen on the prior notice.

Annual goals must be measurable and reasonable for the student to accomplish. Through file reviews, the monitoring team determined 25 of the 33 files did not have measurable annual goals. Examples of the district not meeting this requirement are; "... will increase functional reading skills" and "... will improve expressive language skills by mastering 90% of the following short-term objectives". The monitors' also found six student files did not include a statement of the condition in either the annual goal or in the short-term objectives.

When students' present levels of performance indicated they were demonstrating problem behaviors in classes, the monitoring team found "No" was always checked when the IEP team addressed whether the student's general classroom behaviors impede learning.

Transition services are a coordinated set of activities for a student designed within an outcome-oriented process, which promotes movement from school to postschool activities. The activities shall be based on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other postschool adult living objectives, and, if appropriate acquisition of daily living skills and functional vocational evaluation. The monitors' noted that three of eight transition age student files had "Electives" written as many as five times in the student's course of study rather than courses that correlated with the student's interests and assessment information. In addition, statements of needed transition services, required by age 16 or younger if appropriate, were not addressed per requirements in three of the eight student files. A student's independent living area was addressed, "Defer til next year", and the student's community participation area was addressed, "OK". Another student's adult services transition area stated, "Div of Mental Health should be contacted" with no person/agency identified as responsible for the activity. Also, the transition-age student files did not consistently provide information pertaining to the when the transition activities would be initiated or completed.

Each student beginning at the age of fourteen or younger, if determined appropriate by the placement committee, must be invited to his/her IEP meeting. The monitoring team found through interviews and file reviews this was not consistently done.

At least one year before a student reaches the age of majority under state law, the student's individualized education program must include a statement that the student has been informed of his or her rights under Part B of the Individuals with Disabilities Education Act, if applicable, which will transfer to the student on reaching the age of majority. In a review of three student files, no statement was found indicating the students were informed of the transfer of rights one year before their 18th birthday per South Dakota law.

Needs Improvement

The monitors did validate the steering committee's conclusion that the required members for attendance at an IEP meeting is an area needing improvement. An IEP was found that did not have a regular education teacher's signature indicating attendance at the meeting.

Principle 6 – Least Restrictive Environment

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

Steering Committee Self-Assessment Summary

- Data sources used:
- Data tables
- File reviews
- Comprehensive Plan
- Surveys

Promising Practice

A promising practice identified by the steering committee was district data indicating over a 5% increase in the number of students receiving services in the regular classroom with modifications and nearly a 3% decline of students receiving services in a self-contained classroom. In addition, the committee determined team teaching and cooperative learning practices were promising practices in the district. The committee also concluded all LRE requirements were a promising practice based upon district data that indicated that all children in the district receive services in the least restrictive environment with supports they need for successful participation.

Validation Results

Promising Practice

The monitoring team validated through interviews that the district's team teaching and cooperative learning practices are promising practices. The special education teachers stated during interviews they would like more planning time to increase the quality of team teaching.

The steering committee's overall finding that LRE is a promising practice was not validated by the monitoring team. The information provided by the steering committee meets LRE requirements. Analysis of the LRE data was interpreted by the monitoring team to be based on the total population of children with disabilities over a three-year period with no data analysis pertaining to the number of students who moved, transferred to district, graduated, dropped out or were dismissed from services.

Out of Compliance

24:05:28:01 Least restrictive environment

Children in need of special education or special education and related services shall be provided special education programs and services to meet the individual needs that are coordinated with the regular education program whenever possible. Removal from the regular educational classroom may occur only when the nature of the severity of the child's needs is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. Each child's IEP must include a justification for placement other than the regular education program.

The justification statement in the majority of student files reviewed by monitoring team did not include the continuum of alternative placements “Accept/Reject” format or state why the student must be removed from the regular classroom program. The statements were vague: “Accepted by all team members and current placement considered to be appropriate for the academic year”; “Current placement seems most appropriate for... No harmful effects noted to date. ... does need resource room assistance with some lessons and tests”; and, “The IEP team selects regular classroom with modifications as the least restrictive environment for ...”.

Note:

The monitoring team would like to thank the district for allowing us to individually do classroom observations at the preschool, all elementary grades, junior high and high school math classes, as well as at the district’s two country schools.